

such material or article was imported in violation of this chapter, but only if—

(i) the acquisition of such material or article has been reported in a publication of such institution, any regularly published newspaper or periodical with a circulation of at least fifty thousand, or a periodical or exhibition catalog which is concerned with the type of article or materials sought to be exempted from this chapter,

(ii) such material or article has been exhibited to the public for a period or periods aggregating at least one year during such three-year period, or

(iii) such article or material has been cataloged and the catalog material made available upon request to the public for at least two years during such three-year period;

(B) if subparagraph (A) does not apply, has been within the United States for a period of not less than ten consecutive years and has been exhibited for not less than five years during such period in a recognized museum or religious or secular monument or similar institution in the United States open to the public; or

(C) if subparagraphs (A) and (B) do not apply, has been within the United States for a period of not less than ten consecutive years and the State Party concerned has received or should have received during such period fair notice (through such adequate and accessible publication, or other means, as the Secretary shall by regulation prescribe) of its location within the United States; and

(D) if none of the preceding subparagraphs apply, has been within the United States for a period of not less than twenty consecutive years and the claimant establishes that it purchased the material or article for value without knowledge or reason to believe that it was imported in violation of law.

(Pub. L. 97-446, title III, §312, Jan. 12, 1983, 96 Stat. 2362.)

§ 2612. Regulations

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

(Pub. L. 97-446, title III, §313, Jan. 12, 1983, 96 Stat. 2363.)

§ 2613. Enforcement

In the customs territory of the United States, and in the Virgin Islands, the provisions of this chapter shall be enforced by appropriate customs officers. In any other territory or area within the United States, but not within such customs territory or the Virgin Islands, such provisions shall be enforced by such persons as may be designated by the President.

(Pub. L. 97-446, title III, §314, Jan. 12, 1983, 96 Stat. 2363.)

¹ So in original. Probably should be “United”.

DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section, see Ex. Ord. No. 12555, Mar. 10, 1986, 51 F.R. 8475, set out as a note under section 2602 of this title.

CHAPTER 15—CARIBBEAN BASIN ECONOMIC RECOVERY

Sec.	
2701.	Authority to grant duty-free treatment.
2702.	Beneficiary country.
2703.	Eligible articles.
2703a.	Special rules for Haiti.
2704.	International Trade Commission reports on impact of Caribbean Basin Economic Recovery Program.
2705.	Impact study by Secretary of Labor.
2706.	Effective date.
2707.	Center for the Study of Western Hemispheric Trade.

§ 2701. Authority to grant duty-free treatment

The President may proclaim duty-free treatment (or other preferential treatment) for all eligible articles from any beneficiary country in accordance with the provisions of this chapter.

(Pub. L. 98-67, title II, §211, Aug. 5, 1983, 97 Stat. 384; Pub. L. 106-200, title II, §211(e)(1)(A), May 18, 2000, 114 Stat. 287.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out below and Tables.

AMENDMENTS

2000—Pub. L. 106-200 inserted “(or other preferential treatment)” after “treatment”.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-432, div. D, title V, §5001, Dec. 20, 2006, 120 Stat. 3181, provided that: “This title [enacting section 2703a of this title, amending sections 2703 and 3203 of this title, and enacting provisions set out as a note under section 2703 of this title] may be cited as the ‘Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-200, title II, §201, May 18, 2000, 114 Stat. 275, provided that: “This title [amending this section and sections 2702 to 2704, 3202, and 3204 of this title and enacting provisions set out as notes under this section] may be cited as the ‘United States-Caribbean Basin Trade Partnership Act’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-382, title II, §201, Aug. 20, 1990, 104 Stat. 655, provided that: “This title [enacting section 226 of Title 20, Education, amending sections 1677, 2463, 2702, 2703, and 2706 of this title and section 936 of Title 26, Internal Revenue Code, enacting provisions set out as notes under this section and sections 1677, 2071, and 2703 of this title and section 936 of Title 26, and amending provisions set out as notes under section 2703 of this title] may be cited as the ‘Caribbean Basin Economic Recovery Expansion Act of 1990’.”

SHORT TITLE

Section 201 of title II of Pub. L. 98-67 provided that: “This title [enacting this chapter, amending section 1202 of this title and sections 274 and 7652 of Title 26, Internal Revenue Code, repealing section 2582 of this